

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 04, 2006**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on December 04, 2006.

Present: Commissioners Patrick Barnes, Mike Cross, George Lucier, Carl Thompson, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

PLEDGE OF ALLEGIANCE AND INVOCATION

The County Manager invited everyone present to stand and recite the Pledge of Allegiance after which Reverend Barry Gray delivered the invocation.

The meeting was called to order by the County Attorney at 6:10 PM.

OATHS OF OFFICE

Soil and Water Conservation District Supervisors:

Judge Joe Buckner administered the oath of office to the Soil and Water Conservation District Supervisors, John S. Glosson and Richard D. Hayes.

Chatham County Commissioners:

Judge Joe Buckner administered the oaths of office to George Lucier, Carl Thompson, and Tom Vanderbeck as Chatham County Commissioners. Judge Buckner congratulated the new Board members and thanked them for their service to Chatham County. The oaths are attached hereto and by reference made a part hereof.

ORGANIZATION OF THE BOARD

Chairman:

County Attorney, Robert Gunn, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Lucier nominated Commissioner Carl Thompson for Chairman of the Chatham County Board of Commissioners. Commissioner Vanderbeck seconded the motion.

Commissioner Barnes nominated Commissioner Cross for Chairman of the Chatham County Board of Commissioners. Commissioner Cross seconded the motion.

Commissioner Lucier moved that the nominations for Chairman of the Chatham County Board of Commissioners be closed. Commissioner Cross seconded the motion.

:

Hearing no other nominations, the presiding officer called for a vote for Commissioner Thompson as Chairman of the Chatham County Board of Commissioners. The motion carried with Commissioners Lucier, Thompson, and Vanderbeck voting in favor of the motion.

The presiding officer called for a vote for Commissioner Cross as Chairman of the Chatham County Board of Commissioners. Voting in favor of the motion were Commissioners Cross and Barnes.

Vice Chairman:

Chairman Thompson opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Vanderbeck nominated Commissioner Lucier for the office of Vice Chair of the Chatham County Board of Commissioners. Chairman Thompson seconded the motion.

Commissioner Cross nominated Commissioner Barnes for the office of Vice Chair of the Chatham County Board of Commissioners. Commissioner Barnes seconded the motion.

Hearing no other nominations, the Chairman called for a vote for Commissioner Lucier as Vice Chair of the Chatham County Board of Commissioners. The motion carried with Commissioners Lucier, Thompson, and Vanderbeck voting in favor of the motion.

APPOINTMENT OF CLERK TO THE BOARD

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to reappoint Sandra B. Sublett as Clerk to the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

AGENDA AND CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Commissioner Lucier asked that the **Resolution Honoring the Service of Terrell Ellington to the Chatham County Parks and Recreation Advisory Board** be postponed until the December 18, 2006 Board of Commissioners' meeting as Mr. Ellington could not be present.

Commissioner Lucier asked that an appointment of Commissioner Cross as the Chatham County Voting Delegate to the Legislative Goals Conference be added to the Agenda as Item #9; and that an appointment of Commissioner Cross as a Chatham County Legislative Liaison to the North Carolina Association of County Commissioners be added as Item #10.

Commissioner Barnes moved, seconded by Commissioner Lucier, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held November 20, 2006 and work session held November 20, 2006

The motion carried five (5) to zero (0).

2. **SpankOut Day Mini-Grant:** Consideration of a request to apply for SpankOut Day, USA mini-grant in the amount of \$300.00. A copy of the grant application is attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

3. **CDBG Appointment:** Consideration of a request to appoint Gloria Blue, 690 East River Road, Moncure, NC, to the Community Development Block Grant Committee (CDBG) by Commissioner Cross

The motion carried five (5) to zero (0).

4. **CCCC Directional Signs:** Consideration of a request to approve a letter requesting NC Department of Transportation (NCDOT) to erect directional signs on the US #64 Bypass and Old US #64 to the Pittsboro Campus of Central Carolina Community College (CCCC)
The motion carried five (5) to zero (0).

5. **GREAT Gang Prevention Education Grant:** Consideration of a request to apply for GREAT Gang Prevention Education grant in the approximate amount of \$40,000-\$50,000. A copy of the grant application is attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

6. **Resolution Declaring Property Surplus:** Consideration of a request to adopt **Resolution #2006-75 Declaring Property Surplus and Authorizing the Sale of Said Property** for a Hustler Mower, Excel Super Z Model, valued at \$7,209.30 to Central Carolina Community College, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

7. **Individual Performance Bonds:** Consideration of a request to approve fixed bonds for certain County officials as required by the General Statutes. A copy of officials and bond amounts is attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

END OF CONSENT AGENDA

Chairman Thompson stated that his colleagues have asked him to give a brief overview of some of their goals and objectives for the immediate future. He stated that over the past six months that they have seen unparalleled strife and tension in the County as a result of strongly held opposing views as to the direction of the County's future; that many times the lines were drawn between east and west or the old residents of Chatham County against the new residents of the County; that Jesus once said in the Bible that a house divided against itself cannot stand; that as a Board, they must and will do everything within their power to bring about unity, goodwill, and cooperation among all the citizens of the County. He stated that Tommy Emerson, Bunkey Morgan, and Carl Outz are men that he knows quite well; that as is often the case in political contests, views on the direction that the County should take sometime differ quite radically from theirs; that these men for four years dedicated many long and hard hours of work on behalf of the County in a sincere belief that they were doing the right thing; that on behalf of the Board, he would like to wish these men and their families the very best as they retire to private life and any future endeavors that they might undertake.

He further stated that while the five sitting Board members do not agree on everything, they do, without a doubt, want the County to be a beautiful, prosperous, and vibrant place in which to live...a place of which future generations can be proud; that with the citizens' help, it can be made a reality; that the citizens are blessed with a beautiful County in close proximity to several major, urban areas; that as a result, the County has experienced heavy residential growth; that unfortunately, the County has not fared well in creating jobs that pay a meaningful wage to the citizens; that sixty percent of the County's residents commute outside of the County to work...more than most counties in the State; that they believe that unmanaged residential growth without balanced economic growth will lead to increased property taxes, as well as a significant drain on the fiscal and natural resources; that everyone will find this Board

very quickly moving to manage the proliferation of residential growth in the northeastern portion of the County while addressing, drafting, and implementing a comprehensive economic development plan; that this plan will require construction of the necessary infrastructure to attract and maintain quality industrial and residential development; that the ultimate goal is to balance economic and residential development while searching and pursuing other alternative means to finance County government other than through property taxation; that they will ask for review and amendment of several County ordinances with the intent of increasing the level of citizen input while working to better facilitate their planning efforts. He stated that the Moratorium Ordinance, the Lighting Ordinance, Major Corridor Ordinance, Stream Buffer Ordinance, Cell Tower Ordinance, and the County Subdivision Regulations will be reviewed; that they must create a public utilities staff to manage what will be an ambitious wastewater treatment program for the future economic and residential development endeavors; that they will seek passage in the State Legislature with a bill that will allow them to levy a one percent land transfer tax thereby increasing the revenue for their being equitable and progressive toward taxing of the citizens; that they will adopt a Code of Ethics because they believe that they should build them with integrity and set forth the standards publicly for all to see and for all the boards to emulate; that they will diligently serve on their assigned boards as well as act as liaisons for the County to other boards such as the Board of Education, Chatham Trades, etc. so that there are constant lines of communication maintained between the Board of Commissioners and all County boards; that they all wish Attorney Bob Gunn well, as he has served the County well for thirty-three years; that he had the distinct privilege of serving with him for twelve of those years; that he doubts that the Board of Commissioners will find a more loyal and hard-working attorney; that at this juncture, due to the rapid growth of the County and the myriad of complex legal challenges the Board will encounter as well as the sheer volume of work involved, they feel that now is the time to employ a full-time attorney with staffing; and they greatly desire their citizens' input and participation in their governmental process; that they will appoint a citizen advisory committee with the goal of not only advising them on the needs of the various communities in the County but also submitting to them suggested changes in the Board's process that will bring about greater citizen involvement. He closed by saying that with all of their differences of late regarding how County Commissioners should be elected, and how or whom should develop the County, at the end of the day, they all want what is best for their County, our family, and their loved ones. He asked that all agree to at times disagree, but then work to find a common ground on issues to unite all and work together to make the County a great one.

PUBLIC INPUT SESSION

Bob Knight, 406 Chimney Rock Lane, Sanford, NC, stated that he still resides in the Asbury Community in which he was born; that some weeks prior, the Board of Commissioners met and discussed a \$3,000.00 raise which was denied at that time; that he asked the three new incoming Board members to comment on the raises while they were running for office; that he was distributing a salary listing from the State of North Carolina Office of the State Auditor showing that the population of Chatham was the lowest by comparison of surrounding counties; that the Lee County Chairman earns \$10,259.00 and no travel; that the Board of Commissioners gets \$75 per special meeting per member; that they get additional monies for technology, health, dental, and life insurance; that Board members in other counties do not receive as much in salary and other comparable benefits; that the chair of the Wake County Board of Commissioners gets \$19,957.00 and no travel; and that those who ran for office knew what the salary was before they ran for office; that he says "no" to the Commissioners giving themselves a \$3,000.00 raise; that some Board members failed to reply to his request for their thoughts on the subject; that he was told that he did not realize what the Commissioners had to do; that the Commissioners knew what the job paid when they ran for the office; that in his estimation, they accepted the job at the current rate of pay; that a \$3,000.00 raise is unacceptable; that they are presently paid in salary and benefits \$22,000.00; that it is unbelievable that the Board would even have the nerve to ask for it; and that when it comes time for a merit raise, then would be the time to get it.

Heather Johnson, 521 LC Farm Road, Pittsboro, NC, stated that the actions of the committee who worked to elect the newly appointed Commissioners have gone unchecked for sometime; that she is putting the Board on notice; that citizens are forming from the Northeast to the Southwest; that they are

meeting every week and are combining their efforts with other organizations; that recently a statement published by John Hammond, a member of the election committee, let Chatham citizens in the west know that, "We won. You are out-numbered. We do not need any of the voters in rural areas of the County. And in two years we will need them even less." She stated that they were outraged and will be watching every move the Board and the Coalition make and have made; that she mentioned John Hammond's statement out of concern that the newly elected Commissioners may share these sentiments; that her hope is that they do not and that the citizens of Western Chatham do matter and will be heard; and that she looks to the day when the newly appointed Commissioners can speak for themselves individually and not from a third party statement.

Chairman Thompson stated that he respects Ms. Johnson's comments; that nobody wrote his statement but him; that he doesn't need anyone to write a statement for him; and that he feels there is no substantiation to her comments whatsoever.

Randy Voller, 21 Randolph Court, Pittsboro, NC, welcomed the new Commissioners from the citizens of Pittsboro. He stated that he wanted the two boards to work together in 2007 and beyond.

Mark Cares, 8009 Pittsboro-Goldston Road, Bear Creek, NC, stated that no where on the agenda did he see for accountability and management for bureaucratic waste regarding a potential tax increase and increased spending.

Billy Hughes, 250 West Cornwallis Street, Pittsboro, NC, congratulated the new Commissioners. He stated that he moved to a little dairy farm in east Chatham about forty years ago; that his family produced four family farms and one business; that on that farm was a black man that lived to be 96 years old; that he and his sisters left him the house; that he has a daughter that is in school and will need a job when she gets out of school; that if the commissioners do their job, she should be able to find a job here; that he promises that if the Board does something that he does not agree with, he will not stand up at the podium and act like a fool; and that he will show them respect.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that it is a wonderful time and democracy works; that the ones who lose need to learn to work with those who won and vice versa; that in his opinion, the Board is not simply Democrats, Republicans, Libertarians, Coalition people, etc.; that the Board should work for the entire County; that according to democracy, the people elected received the most votes; that it works at the grassroots level; that there are a lot of things that need to be done in the County; and that he doesn't particularly like Cary and wants them to stay out of his neighborhood.

Chairman Thompson apologized to Ms. Johnson for his comments, stating that he was perhaps a little tough on her; that she was giving her honest opinion; that when they ran for office and were subsequently were elected, they expected all eyes to be on them and what they were doing; and that he would welcome that from anyone.

Ms. Johnson thanked the Chairman and clarified that her statement regarding "third party statements" was in reference to their Economic Development Commission statement and not the Chairman's opening remarks.

BOARD OF COMMISSIONERS MATTERS

Resolution Honoring the Service of Terrell Ellington: Consideration of a request to adopt a **Resolution Honoring the Service of Terrell Ellington to the Chatham County Parks and Recreation Advisory Board**

This item was postponed until the December 18, 2006 Board of Commissioners' meeting.

FY 2008 Budget Process: Consideration of a request to adopt the proposed budget calendar and criteria

Renee Paschal, Assistant County Manager, explained that planning for Chatham County's FY 2008 budget has started. She stated that in order to ensure adequate information, it is important to establish deadlines and targets for the process. She reviewed the budget process and the proposed calendar.

Commissioner Lucier moved, seconded by Commissioner Barnes to adopt the FY 2008 Budget Calendar and Budget Criteria, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0). A copy of the presentation is attached hereto and by reference made a part hereof.

Voting Delegate for Legislative Goals Conference:

Commissioner Lucier moved, seconded by Commissioner Barnes, to appoint Commissioner Cross as the Voting Delegate to the Legislative Goals Conference to be held January 11-12, 2007 at the Pinehurst Resort in Pinehurst, NC. The motion carried five (5) to zero (0).

NC Association of County Commissioners Legislative Liaison:

Commissioner Lucier moved, seconded by Commissioner Barnes, to appoint Commissioner Cross as the Chatham County Legislative Liaison to the NC Association of County Commissioners. The motion carried five (5) to zero (0).

Code of Ethics: Consideration of a request to adopt a Code of Ethics

Commissioner Cross stated that the Board of Commissioners had been discussing the establishment of a Code of Ethics for the Chatham County Board of Commissioners for several years; that Jim Blackburn, Attorney for the NC Association of County Commissioners wrote such a code for counties; that he was with the IOG until 1990; that he has given his permission to adapt the code as the Board sees fit to the County and personal needs of the Board; that it is not binding or does not override any laws; and that it is a gentleman's agreement as to how the Board will conduct its business.

Commissioner Cross moved, seconded by Commissioner Barnes, to adopt the Code of Ethics for the Chatham County Board of County Commissioners, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Liaison Assignments to Chatham County Boards: Consideration of a request to adopt the Liaison Assignments to the Chatham County Boards

Commissioner Vanderbeck explained that in terms of boards where the Commissioners officially serve as members, the assignments have been agreed to as follows:

Economic Development Corporation - Commissioner Barnes
Water Advisory Board and Solid Waste Committees – Commissioner Barnes
Board of Health – Commissioner Barnes
Trustee of the Central Carolina Community College – Commissioner Barnes

NC Association of County Commissioners – Commissioner Cross
Triangle J Council of Governments – Commissioner Cross

Metropolitan Planning Organization – Commissioner Lucier
Economic Development Corporation – Commissioner Lucier
Board of Health – Commissioner Lucier

Home and Community Care block Grant Committee – Chairman Thompson
Mid-Carolina Workforce Development – Chairman Thompson

Joint Orange Chatham Community Action Board (JOCCA) – Chairman Thompson
Orange Chatham Leadership Council – Chairman Thompson

Affordable Housing Taskforce – Commissioner Vanderbeck
OPC Mental Health – Commissioner Vanderbeck
Regional Planning Organization – Commissioner Vanderbeck

Stating that he would be replacing Commissioner Cross on the Affordable Housing Taskforce, Commissioner Vanderbeck thanked Commissioner Cross for his outstanding leadership and initiative in tackling this difficult issue and in getting this task force started.

He stated that in addition to these statutory board assignments, there are a number of municipal, County, regional, and other government bodies with which they felt that County Commissioners should maintain close cooperation and communication; that they have divided up these additional bodies among themselves for a Commissioner to serve as the official liaison on behalf of the entire Board; that they want those boards, committees or commissions to have a specific board member to whom they can address questions and concerns for consideration by the entire board or to be answered or resolved by County staff; that as part of their commitment to open government and citizen participation, they want to identify a Commissioner contact to which the citizens can address concerns; and that for the same reason, they propose that the official assignment list be posted on the County Commissioners' section of the website.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to approve the list of assignments, including appointing Commissioner Lucier to replace the former chairman as the voting member on the Economic Development Corporation. The motion carried five (5) to zero (0). The list is attached hereto and by reference made a part hereof.

Resolution Seeking Re-introduction and Legislative Approval of HB 1062 and HB 1142 Authorizing Chatham County to Levy One Percent Land Transfer Tax: Consideration of a request to adopt **Resolution Seeking Re-introduction and Legislative Approval of HB 1062 and HB 1142 Authorizing Chatham County to Levy One Percent Land Transfer Tax**

Commissioner Cross explained that two years ago, Commissioner Barnes and he began pursuing the one percent land transfer tax to help Chatham County pay for the expansive growth that the County is experiencing. He stated that this authority has not been granted since 1990; that six counties in northeast North Carolina who have this authority; that their financial status is great and they have grown much faster than Chatham has; that they have more money than they need for their capital improvements including schools; that he would like to see Chatham County in that situation without having to increase property taxes to do it; that a representative from Durham introduced a bill in 2005 for revenue options for all counties in the State of North Carolina to enjoy any revenue that any other county (i.e. sales tax; school impact fee; land transfer tax, etc.); that they want to ask the County's Legislators to reintroduce the Orange-Chatham One Percent Bill; that they are also asking Representative Michaux to reintroduce his revenue options bill which includes one percent transfer; that the Triangle J Council of Governments Liaison just reported that revenue options will be their number one goal; that the North Carolina Association of County Commissioners (NCACC) Legislative Goals Conference in January will hopefully come out with this as a top priority; and if approved by the General Assembly, it will probably be tied to Medicaid and school construction.

Commissioner Cross moved, seconded by Commissioner Barnes, to adopt **Resolution #2006-76 Seeking Re-introduction and Legislative Approval of HB 1062 and HB 1142 Authorizing Chatham County to Levy One Percent Land Transfer Tax**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

County Attorney Transition: Consideration of a request to adopt the criteria for a full-time County Attorney

Commissioner Lucier explained that Bob Gunn is retiring as the County Attorney on December 31, 2006; that on December 18, 2006, he will be formally honored for his many years of service to Chatham County; that in thinking ahead, he feels the time has come for the County to appoint a full-time County Attorney; that during the thirty-three years that Mr. Gunn has been the County Attorney, the population has grown from 25,000 to roughly 60,000; that in addition, things have become far more complex for the County; that there are a lot of subdivision requests coming in, many more conditional use applications, issues related to economic development, water and sewer issues, collaborative ventures with municipal governments of Pittsboro, Siler City, and Goldston and regional efforts; and that there are a number of other complex issues that have become so increasingly complex that a County Attorney is needed whose only priority is Chatham County.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to recruit for a full-time County Attorney and have County Staff prepare a job description and fully open, broad-based search plan for the full-time attorney for the Board's consideration at their December 18, 2006 Board of Commissioners' Work Session. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to contract with the Poyner & Spruill Law Firm, based in Raleigh, to serve as Interim County Attorney. He stated that this needs to be done immediately to insure a smooth transition; that it is understood that Jep Rose will participate in commissioner meetings and that Robin Currin and Glenn Dunn will participate as needed.

Commissioner Cross stated that he strongly disagrees with the motion on the table. He stated that he went back and checked the minutes and that Mr. Gunn did not announce his retirement in November; that he stated that he was not available for another one-year contract as the County Attorney; that the Board is appropriately within its rights to hire whomever it wants but the Board of Commissioners of Chatham County did not request this job search; that Chatham County law firms were not included or invited to participate; that the interviews took place in October; that as far as he knows, Commissioner Lucier was the only one present for the interviews; that he has not seen a contract nor a fee structure for this company; that he understands that it is rumored to be quite higher than what is being paid to Gunn & Messick; that he understands that Mr. Rose's office is in Rocky Mount; that the County Staff needs quick service on a daily basis; that this motion carries much less availability and more cost; that the County already has a Social Services contract with an attorney in Chapel Hill that is good through June, 2007; that the County has a contract with Gunn & Messick with Child Support/Social Services that is good through June, 2007; that Gunn & Messick are being used as a turn-over period for the interim attorney; that a full-time attorney is the goal of the Board; that another turn-over will take place before the Board finishes this turn-over if the Board proceeds with an interim attorney; and that he thinks the process is unnecessary and is a bad business decision.

Commissioner Cross moved to extend Gunn & Messick on a quarterly basis and to proceed with a full-time attorney RFP job search.

Commissioner Barnes stated that he felt that the motion made by Commissioner Lucier might have good intent but the idea of hiring an interim attorney for a couple of months is a large expense, and in his opinion, unnecessary; that the Board is unanimous in its desire for a full-time Chatham County attorney; that it is something that has been discussed for years and isn't something that has just now popped up; that Gunn & Messick are located in Pittsboro and are convenient; that Mr. Gunn has thirty-three years as County Attorney which relates to a lot of experience; that in order to have a smooth transition for a full-time attorney and when it takes place, it would be much simpler for Gunn & Messick to continue as the interim attorney and the cost would be less; that he has heard that the new firm will charge \$8,000.00 retainer per month and \$275.00 an hour; that he doesn't think that the County is rolling in money; that there will be added expenses throughout the year; that to him that this is not a wise business decision; and that with his business experience, his banker insists that he spends less than he takes in; that this will be a necessity in the coming years; that he doesn't understand why they want to hire an interim law firm for a couple of months and then they're gone; and that that doesn't seem very wise.

Commissioner Lucier explained that both Commissioners Cross and Barnes were invited to participate in the interviews; that both declined to do so; that the cost of \$8,000.00 per month may be less; that Gunn & Messick were paid approximately \$110,000.00 during the last year; that there is not that much difference in cost; that additionally, the Gunn & Messick Law Firm is also the attorney for the Town of Pittsboro; that he believes that this may constitute a conflict of interest because the County has so many joint projects with the Town of Pittsboro; that he feels it would be inappropriate for the same attorney to represent the Town of Pittsboro and Chatham County government.

Commissioner Barnes stated that Paul Messick had been the attorney for the Town of Pittsboro for years; that Bob Gunn has been the attorney for the Chatham County for years; and that he doesn't think that there has been a conflict in the past.

Commissioner Cross stated that he did not attend the proceedings because the Board of Commissioners hires the County Attorney; that this was not the Board of Commissioners that set up the interviews; that he chose not to participate; that he has not seen a contract and has seen no fee schedule; and that he is not supporting the motion until he knows what it is going to cost the County.

The Chairman called for a vote on the second motion and asked that Commissioner Cross restate the motion.

Commissioner Cross moved to extend Gunn & Messick on a quarterly basis and to proceed immediately with an RFP job search for a full-time County Attorney. Commissioner Barnes seconded the motion.

The motion failed two (2) to three (3) with Commissioners Thompson, Lucier, and Vanderbeck opposing.

Commissioner Lucier restated his motion to contract with the Poyner & Spruill Law Firm, based in Raleigh, to serve as Interim County Attorney. Commissioner Vanderbeck seconded the motion. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Economic Development Corporation: Consideration of a request to adopt the criteria for the Chatham County Economic Development Corporation

Commissioner Lucier stated that the incoming Board of Commissioners places a high priority on Economic Development for Chatham County; that they believe that economic development is essential for the well-being of Chatham County and that the County needs a forward thinking and aggressive plan to attract clean industries with good paying jobs and good benefits; that they will propose major elements of initiative over the next several months; that his comments do not reflect a criticism of the Economic Development Corporation; that this is simply a reflection that the County has not, in the past, provided the resources that are needed to have a strong and viable Economic Development program; that he believes that the need to achieve balance between the economic and residential growth; that economic growth is low and residential growth is high; that this will inevitably create upward pressure on property taxes; that there are a number of disturbing figures when Chatham County's economic development is viewed; that 60% of the workers in the County work outside of Chatham County which means it is a commuting County; that the estimates are that the County is losing \$10-12 million in sales tax revenue because of this; that the average North Carolina county is 30% of their workers commute; that in the last four years while the County has grown in population by 8,000-9,000 people, it has lost roughly 1,000 jobs; that this cannot go on; that good jobs need to be brought in so that people can both live and work in Chatham County; that average wages are 40% lower than the State average; that they also believe that a sustained economic program is going to require a strong school system, reliable water and sewer, and good public services and infrastructure; that this will require strong collaborative efforts with the municipal governments of Pittsboro, Siler City, and Goldston; that effective planning and ordinance development are needed to preserve the rural and agricultural character; that this will help to attract and retain companies and businesses to Chatham County; that the County needs to take advantage of its major

corridors; that the County's economic development initiatives and plans must be designed to stimulate economic activity in all regions of Chatham County including participation of citizen groups; that incentive should include businesses that are now operating in Chatham and should involve training of Chatham residents throughout the community college system; that the County needs to recruit an enthusiastic, experience, and innovative director of the Economic Development Corporation (EDC) in order to market, refine, and take advantage of its strengths; that it may be necessary to restructure and strengthen the EDC to implement its economic development initiatives; and that municipal governments and the Chamber of Commerce should retain the right to select their own representatives to the EDC.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request that the EDC re-advertise the position of EDC Executive Director and that the EDC generate as soon as possible a revised job description, job announcement, and search plan. The job description and the search plan should emphasize the importance of building and implementing a new economic development strategy for Chatham County, collaboration with the public and local, State, and regional leaders. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request the EDC immediately amend their bylaws to increase the voting membership from eleven to thirteen with the two additional appointees made by the full Board of Commissioners. This will mean that the voting membership of the EDC will be comprised of seven Board of Commissioners appointments (one by each of the five Commissioners, one representative each from Pittsboro, Siler City, Goldston, and the Chamber of Commerce. In addition, ex-officio membership is retained for those currently occupying those positions. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request that Chatham County advertise immediately for two new Board of Commissioners appointments and the three existing vacancies. The advertisement should remain open until December 31, 2006. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request a proposal from the Carolina Center for Competitive Economies in the Kenan Institute for Private Enterprise to provide assistance to the EDC and Board of Commissioners in preparing and implementing an Economic Development Plan for Chatham County. The proposal is requested by December 31, 2006 and should include strategies for achieving citizen input into plan development.

Commissioner Barnes stated that he had attended one of the meetings with the group from Chapel Hill; that his feeling at the present time is that it is not necessary; that Commissioner Lucier didn't say that the cost to the County is approximately \$326,000.00; that they will advise the County EDC, which is a non-profit organization, but if funded entirely by the County; that the present budget for EDC is approximately \$250,000.00; that UNC, over a period of three years, will be paid approximately \$326,000.00 in addition to the \$250,000.00 that is normally funded; that he has a hard time believing that this County cannot hire a director that is smart enough to run the EDC with the desires of the Board of Commissioners on how it is to function and operate; that he is aware that there is always a rivalry between his alma mater and UNC and that this does not have anything to do with it; that he does not believe that the Board is dumb enough that they are going to need UNC to direct the EDC for three years on how to organize its own EDC; that surrounding counties have superb economic development corporations; that they can be copied for free; that they would be delighted to assist Chatham County; that Progress Energy has an ex-officio member on the EDC at this time whose full-time job is economic development; that Progress Energy would love to be Chatham County's partner; that he talked with the head of this department today and was told that they would enthusiastically help support Chatham County EDC; that until he sees what UNC proposes in detail, he will not support it.

Commissioner Lucier stated that this was only a proposal; that it has been known for a long time that Lee County is a good model; that Progress Energy representative has been ex-officio for a long time; and that there still is no economic development plan in Chatham County. He stated that the current

approach is not working; that if more of the same is desired for economic development, fine, but he feels that the County should spend far more than it does on economic development; and that he believes that supporting this effort to develop an economic development plan for Chatham County is absolutely essential if the County is going to move forward into the twenty-first century and be in a position to get the benefit from its proximity to the Research Triangle Park.

Commissioner Barnes stated that Chatham County is the only county around that does not have a sewer system; that economic development nor industry can be attracted without water and sewer; that one of the items to be discussed is Public Works; that he thinks the present Board is perfectly capable of hiring a director that is smart enough to lead the County without the additional help from UNC.

Commissioner Vanderbeck stated that with regard to the \$250,000.00 in addition to the annual cost of the consultant, he believes that there is no evidence to say that they would continue to spend a quarter of a million dollars as has been done in the past in this endeavor; that he doesn't think that anyone disputes the fact that sewer is needed for the County; that what is in question is where to put it; that it is critical and has to be done in conjunction with the Land Use Plan; and that he feels that the consultant is willing to work with the Board to maintain this parallel and get the infrastructure in place and also come up with a great economic development plan.

Chairman Thompson stated that he felt that Lee County had done an outstanding job in the past in recruiting industry; that he is unsure that the model that Lee County has used will work in Chatham County; that he feels that some technical expertise is needed to determine exactly what type of model is needed in Chatham County; and that he considers the amount to be small if the County can establish an economic development plan that will move Chatham County forward and put it in a position to attract the kind of industry that it wants.

The Chairman called the question. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Public Works Department: Consideration of a request to adopt the criteria for the Chatham County Public Works Department

Commissioner Barnes stated that one of the main problems from which Chatham County has suffered is the lack of a Public Works Department; that nothing tried has been successful during the last ten years; that few people realize that there is no sewer system in the County; that Chatham County operates on septic tanks and spray fields; that the County has a fledgling water system; that when the Board speaks of water and sewer, they are primarily looking at sewer in the greater areas (Pittsboro, Siler City, Goldston); that most people think that there are three municipalities in Chatham County; that there are really four including Cary; that Cary is going to come into Chatham if the County doesn't offer some of the things that Cary can offer; that the County has a gentleman's agreement at the present time with Cary regarding annexation; that the County needs a full-blown, full-fledged, Public Works Department with a Public Works Director who is the type of a civil/professional engineer; that the County Manager has drawn up a description of what is needed; that in the past ten years, there has been a combination public Utilities Director/Public Works Director; that there has been controversy from start to finish; that he would like to see this controversy die; that with the hiring of a new Public Works Director, he feels it should be his choice as to what type of advisory board he needs and/or wants; that at the present time, the County has a Water Advisory Board; and that he is going to ask to dissolve this board and when the new public works director is in place, he can ask that one be created.

Commissioner Barnes moved, seconded by Commissioner Cross, to ask the County Manager to begin the process of advertising and recruitment for a Public Works Director.

Commissioner Lucier asked about the cost of hiring a Public Works Director.

Commissioner Barnes stated that it would likely cost over the same anticipated amount for the

EDC project, \$326,000.00, and would probably be a half million dollars.

After further discussion, the Chairman called the question. The motion carried five (5) to zero (0).

Commissioner Lucier asked if a job description would be available by the December 18, 2006 Board of Commissioners' meeting.

Commissioner Barnes moved, seconded by Commissioner Cross, to dissolve the existing Water Advisory Committee and appoint a new Public Works Advisory Committee started in the future after the Public Works Director is on board and a new Public Works Department is established.

Commissioner Vanderbeck stated that he felt it was critical to maintain some advisory group; that he would defer to the engineer but he felt that keeping citizen input would be critical to the success of the new endeavor. He asked if Commissioner Barnes would entertain the idea of amending his motion to include having some type of board that works with the engineer.

Commissioner Barnes restated his motion which previously included the appointment of the new advisory committee.

Commissioner Lucier asked if Commissioner Barnes felt that not having a Water Advisory Board would not affect any of the ability to provide public services.

Commissioner Barnes stated that it would help our abilities.

Chairman Thompson reiterated that Commissioner Barnes' motion was to abolish the water board as it now stands and that at the discretion of the new Public Works Director and the County Manager, a new board be constituted to suit what they feel would be their needs to operate.

Commissioner Barnes stated that he thought the word "dissolve" better suited the motion.

Chairman Thompson asked if the intent was to remove the act of discretion from the Board of Commissioners to actually act to constitute that board at a time in the future.

Commissioner Barnes stated that it would be a combination of the Public Works Director, the County Manager, and the Board of Commissioners, with the Board of Commissioners having top priority.

Commissioner Barnes restated the motion to dissolve the existing Water Advisory Committee and appoint a new Public Works Advisory Committee started in the future after the Public Works Director is on board and a new Public Works Department is established. Commissioner Cross seconded the motion. The motion carried five (5) to zero (0).

Legislative Delegation Meeting:

A Legislative Delegation meeting with Senator Bob Atwater and NC House of Representatives Member, Joe Hackney, and the Chatham County Board of Commissioners will be held on December 20, 2006 at the Flamingo Restaurant, 964 East Street, Pittsboro, NC at 5:30 PM.

2007 Board of Commissioners Meeting Calendar:

The Board of Commissioners discussed the 2007 Board of Commissioners meeting calendar previously adopted by the sitting Board on September 18, 2006.

Commissioner Cross moved, seconded by Commissioner Barnes, to adopt the 2007 Board of Commissioners' meeting calendar, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

UNC School of Government Essentials of County Government Training:

The Institute of Government and the North Carolina Association of County Commissioners will conduct the 2006-2007 Essentials of County Government to be held January 3-5, 2007 in Raleigh, NC at the Brownstone Hotel and Conference Center. The course is conducted for county commissioners every two years following statewide county elections. The course will afford opportunities to learn from expert instructors, discuss issues and challenges with other county officials, and network with fellow officials from across North Carolina.

Board of Commissioners Summit Meeting:

The Board of Commissioners has agreed to meet after the January 2, 2007 Board of Commissioners' meeting to begin their annual summit to discuss matters of interest to the Board. The meeting will be recessed and continued on January 8-9, 2007 after the Essentials of County Government Training.

UNC School of Government/NCACC Orientation for New County Board Chairs:

An orientation for new county board chairs including an overview of the role of the Chairman, leading commission meetings, and planning commission business in the long-term will be held on January 10, 2007 in Pinehurst, NC. It is sponsored jointly by the Institute of Government and the NC Association of County Commissioners.

Board of Commissioners January Regular Meeting Information:

The first meeting of the New Year for the Board of Commissioners will be on Tuesday, January 2, 2007. The second meeting in January will also be on Tuesday, January 16, 2007 due to the observed birthday of Martin Luther King, Jr.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Moratorium Ordinance:

Commissioner Vanderbeck stated that in August the Board of Commissioners approved the Chatham County Moratorium Ordinance which was designed to incorporate changes in State law authorizing local governments to oppose development in land use moratoriums; that in doing so, the previous Board deviated from the State authorization statute at the request of a local attorney representing development; and that a number of citizens have approached them objecting to these deviations from the State statute.

Commissioner Vanderbeck moved, seconded by Commissioners Lucier to direct County Staff to prepare revisions to the Chatham County Moratorium Ordinance as follows:

1. The second sentence under Section #7 of that ordinance be changed by eliminating the words "any complete sketch design or preliminary subdivision plat application packet that has been submitted by the application deadline". This language should be replaced by: "any complete preliminary or final subdivision plats that have been accepted for review by the County". This will allow the County's moratorium

authorization ordinance to mirror the requirements of the State authorizing statute.

He moved to hold a public hearing on these changes on Monday, December 18, 2006 at the regular Board of Commissioners' meeting and that County Staff to prepare and publish the proper legal notices.

The County Attorney stated that he was not certain that adequate notice requirements can be fulfilled before the December 18th meeting.

The County Manager stated that he would like to have the motion contingent upon staff being able to advertise and fulfill the requirements of the law.

Commissioner Vanderbeck amended his motion to include the contingency of adequate time for public notice and if need be, the public hearing be held at the January 16, 2007 Board of Commissioners' meeting.

The motion carried five (5) to zero (0).

Congratulations:

Commissioner Cross congratulated the Chairman and Vice Chairman on their election to the chairman and vice chairman seats.

Barnes Comments:

Commissioner Barnes stated that he would be disappointed if the Board met and agreed on every issue five to zero; that he has two years experience being on the "short end" of the stick on a three to two vote; that he doesn't expect the Board to always agree; that the ultimate goal is for Chatham County; and that one of the things of which he is certain is that the five of them will work together and he is looking forward to it.

Destruction of Electronic Recordings of Chatham County Board of Commissioners' Meetings:

Commissioner Lucier stated that a resolution was adopted by the previous Board regarding the destruction of electronic recordings of Board meetings; that his recollection was that they would not be destroyed until December 4, 2006 when the incoming Board took office.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, that the electronic recordings of the Chatham County Board of Commissioners' meetings not be destroyed until the Board gives permission to do so. The motion carried five (5) to zero (0).

County Ordinances Updates:

Lighting Ordinance:

Commissioner Lucier stated that the incoming Board members have had a lot of time to work on ordinances since the May primary; that there are several revisions or modifications that will be proposed for public hearings on January 16, 2007; that one is the Lighting Ordinance which was unanimously approved by the Planning Board several years prior; that it was instituted in trial status by the Board of Commissioners; that it has worked well and solved problems rather than create them; that many developers of large subdivisions have voluntarily adhered to them; and that in many cases it has eased the concerns of neighbors regarding large developments. He stated that there was a modified draft on which David LeGrys had worked which was done in conjunction with Progress Energy and approved by the

Planning Board.

Cell Tower Ordinance:

Commissioner Lucier stated that the Cell Tower Ordinance has also worked well; that it has allowed for relocation or collocations for multiple providers on the same cell tower so that there are not hundreds of towers around the County and still have cell phone service; that there are some minor modifications to the ordinance which he would also like to have scheduled for January 16, 2007.

Watershed Ordinance:

Commissioner Lucier stated that the third item was changes to the Watershed Ordinance to include County-wide stream buffer modifications. He stated that these are modifications that, for the most part, were unanimously approved by the Planning Board in 2004 but never brought to a public hearing; that in addition they were approved and implemented for the Compact Communities Ordinance; and that they would also like this brought before the public in a public hearing on January 16, 2007.

Public Hearing Process:

Commissioner Lucier stated that they were additionally going to consider changes to the public hearing process. He stated that as it currently stands for conditional use applications, the public hearing occurs, then it goes to the Planning Board, and then to the Board of Commissioners; that after the public hearing process, the Commissioners are not allowed to receive any more information; that this seems to prevent the Board from getting necessary information that might help them make a more informed decision on that particular conditional use application; that they will propose having an initial meeting for conditional use that is a more formal meeting with the developer and any interested parties, including the Planning Board and anyone who wants to attend, and then it goes to the Planning Board, the Planning Board makes a recommendation, and then it will return to the Board of Commissioners for the public hearing; then the Board of Commissioners will make a decision sometime after the public hearing; that this will allow them to obtain information more closely to the time that a decision has to be made and still be legal.

The County Attorney stated that when conditional use permits are discussed, the Board would be “treading on thin ice” if they receive any evidence except at the quasi-judicial public hearing; that the idea is that the Board should approach with an open mind so that they can listen to the evidence and base their decision quickly on the evidence presented at the quasi-judicial hearing; that if the Board varies from that, they are taking a big risk.

Major Corridor Ordinance:

Commissioner Lucier stated that the Task Force on the Major Corridor Ordinance will not be ready for the public hearing on January 16th; that this will affect Highway #15-501, Highway #64, Highway #421, and the part of US Highway #1 that runs through Chatham County; that there is already an informal task force; that he would like this task force membership, including a time table, to be formalized at the December 18, 2006 Board of Commissioners’ meeting. He stated that the purpose of the ordinance will be to help guide development along the major corridors and to help stimulate economic development; that this will go hand-in-hand with the economic development plan; and that the task force will include representation from a number of different groups including Pittsboro, Siler City, Goldston, Economic Development Corporation, Planning Board, and the Homebuilders Association.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck to direct staff to get the Lighting Ordinance, Cell Tower Ordinance, Watershed Ordinance, and the public hearing process ready for public hearings on January 16, 2007 and complete all necessary things to accomplish it. The motion carried five (5) to zero (0).

- Commissioner Lucier stated that it was a pleasure working with the Board; that it is much different sitting on the side of the table on which he is now sitting; and that he looks forward to serving the citizens as a Chatham County Commissioner for the next four years.

- **Reception for Board Members:**

The Chairman invited those present to a reception honoring the Chatham County Board of Commissioners to be held on the first floor of the Superior Courthouse after the adjournment of the night's meeting.

- **ADJOURNMENT**

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:12 PM.

Carl Thompson, Chairman

ATTEST:

Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners